

Chapter 4 COORDINATION AND CONSULTATION

Fremont-Madison Irrigation District has been pursuing transfer of title of certain Reclamation-held properties and rights-of-way used for operations and maintenance of the District since 1996. This chapter describes recent consultation and coordination activities directly related to the Proposed Action.

4.1 Agency Consultation

4.1.1 National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA) (as amended in 1992) requires that Federal agencies consider the effects that their projects have on historic properties. Section 106 of this act and its implementing regulations (36 CR Part 800) provides procedures that Federal agencies must follow to comply with NHPA on specific undertakings.

To comply with Section 106 of NHPA, Federal agencies must consult with the State Historic Preservation Officer (SHPO), Native American tribes with a traditional or culturally-significant religious interest in the study area, and the interested public. Federal agencies must identify historic properties in the area of potential effect for a project. The significance of historic properties must be evaluated, the effect of the project on the historic properties must be determined, and the Federal agency must mitigate adverse effects the project may cause on significant resources.

In the fall of 2002, Sagebrush Consultants performed a Class III cultural resource survey of the study area. Reclamation then began consultations with the Idaho State Historical Preservation Officer. On April 3, 2003, Reclamation sent a letter to the Advisory Council on Historic Preservation and invited its participation in the consultation with SHPO. The Advisory Council declined to join the consultation. Appendix E contains related correspondence with the Historic Preservation Officer at the Idaho Historical Society, and Appendix F contains the Memorandum of Agreement with the SHPO.

4.1 Agency Consultation

4.1.2 Endangered Species Act Section 7 Consultations

The Endangered Species Act requires all Federal agencies to ensure that their actions do not jeopardize the continued existence of listed species or destroy or adversely modify their critical habitat.

On December 6, 2001, Reclamation sent letters to USFWS and NOAA Fisheries to request current lists of listed and proposed species for the proposed area which may be affected by the potential transfer of title. Appendix G contains relevant correspondence between Reclamation and the Services.

Reclamation concludes that the Proposed Action would have no effect on USFWS listed species. Reclamation is not required to seek a letter of concurrence for determinations of no effect.

Reclamation concludes that the Proposed Action may affect but would not likely adversely affect NOAA Fisheries listed species in the Snake and Columbia Rivers. Appendix G contains the NOAA Fisheries letter of concurrence for this determination.

4.1.3 Drought Management Planning

The Conveyance Act requires the Secretary to initiate a drought management planning process within 60 days of the Act's passage. The Conveyance Act also requires the Secretary to submit a report to Congress, including a final drought management plan, within 18 months of the Act's passage.

In October 2003, Reclamation and several stakeholders initiated discussions regarding the drought management planning process. Over the next 3 months, various members of the Henry's Fork Foundation, IDFG, The Nature Conservancy, FMID, Fall River Electric, Reclamation, Trout Unlimited, and others attended several informal meetings. In February 2004, Burnett and Van Kirk (2004) presented a statistical analysis of the existing hydrograph, and Van Kirk (2004) proposed a framework for proceeding with the planning process. These presentations were made to approximately 50 attendees. Although consensus was not called for, there was no dissent with the presented ideas or the proposed direction. Currently, only the basic philosophy is documented. A schedule for further planning and implementation has not yet been proposed.

4.2 Tribal Coordination and Consultation

Reclamation has sought to keep Tribes informed regarding proposed title transfers and specifically the proposed Fremont-Madison Title Transfer. (See Appendix H for a list of letters and meetings). Reclamation will continue to keep the Tribes informed and to seek their comments.

4.3 Public Involvement

Scoping meetings, public information gatherings, and discussions with interest groups have been ongoing since 1996. In December 2001, FMID decided to exclude the Grassy Lake and Island Park Dams from the facility transfer request. On December 20, 2001, Reclamation sent out a scoping letter to a mailing list of interested parties that had been involved in the transfer discussion since 1996 plus Federal, State, and local agencies, Tribal Governments, and media outlets. Reclamation received written comments from twenty interested individuals and groups. The respondents' issues and questions centered on these primary themes:

- Loss of representation in water use issues
- Loss of public access
- How the well operations related to system operations
- How many of the 40 potential wells would FMID drill
- Use water from the wells for fish and wildlife benefits
- Potential impacts on Tribal water rights
- Cumulative impacts of future actions related to the transfer
- Impacts of the proposed hydroelectric plant at Cross Cut Diversion Dam
- Impacts on groundwater caused by the wells
- Economic value of the water right associated with the wells
- Economic or other compensation for transfer
- Issues surrounding unauthorized project water use

Reclamation received several comments that expressed full support for title transfer.

On January 14, 2002, Reclamation and FMID issued a news release announcing a public meeting to receive comments on the transfer proposal. Reclamation also prepared a media packet that included a press release, maps of the facilities included in the proposed transfer, a question and answer sheet, a comment form, and the scoping document. The January 31, 2002, meeting, held in Rexburg, Idaho, had 32 individuals present.

4.3 Public Involvement

During the meeting, Reclamation and FMID personnel conducted an open forum discussion. During this open forum, attendees asked questions centered on these topics:

- The number of wells proposed to be drilled
- Unauthorized lands within the District
- Whether Grassy Lake Dam and Island Park Dam were being considered for title transfer
- Cumulative impacts of the Proposed Action
- Relationship to the proposed hydroelectric plant at Cross Cut Diversion Dam

On March 21, 2002, Reclamation gave a presentation on the proposed title transfer at the Annual Joint Irrigation Managers Meeting in Glenns Ferry, Idaho. About 14 irrigation districts were represented at the meeting. The only question asked dealt with how the wells were related to the overall Teton Basin Project.

On May 27, 2004, Reclamation distributed the final EA, letters notifying the recipient of the final EA's availability, and press releases to the offices, organizations, individuals, and media outlets identified on the following distribution list. Reclamation also posted the draft EA on the Pacific Northwest Region's website. Reclamation received four comment letters. Appendix I contains these comments and Reclamation's response, where appropriate.

DISTRIBUTION LIST

Reclamation sent the following offices, organizations, individuals, and media outlets either the final EA, a letter notifying the recipient of the final EA's availability, or a press release.

U.S. Congressional Delegation from the State of Idaho

United States Senate

Honorable Larry Craig
Honorable Mike Crapo

House of Representatives

Honorable Butch Otter, 1st District
Honorable Mike Simpson, 2nd District

Tribal Interests

Shoshone-Bannock Tribes

Honorable Fred Auck
Mr. Chad Colter
Ms. Elese Teton
Ms. Carolyn Boyer Smith

Northwestern Band of the Shoshone Nation

Honorable Gwen Davis
Mr. Bruce Parry

Shoshone-Paiute Tribes

Honorable Terry Gibson
Mr. Robin Harms

Bureau of Indian Affairs

Mr. Paul Young, Eastern Nevada Agency
Mr. Eric LaPointe, Fort Hall Agency
Mr. Charles Calica, Northern Idaho Agency

Nez Perce Tribe

Honorable Anthony Johnson, Nez Perce Tribal Executive Committee
Mr. Mike Penney

Idaho State Legislature

24th District

Senator Laird Noh
Representative Leon E. Smith
Representative Sharon L. Block

27th District

Senator Denton Darrington
Representative Scott Bedke
Representative Bruce Newcomb

25th District

Senator Clint Stennett
Representative Wendy Jaquet
Representative Tim Ridinger

28th District

Senator J. Stanley Williams
Representative Dennis M. Lake
Representative Joseph S. Cannon

26th District

Senator Dean L. Cameron
Representative John A. "Bert" Stevenson
Representative Maxine T. Bell

29th District

Senator Bert C. Marley
Representative Allen R. Andersen
Representative Elmer Martinez

Distribution List

30th District

Senator Edgar J. Malepeai
Representative Donna H. Boe
Representative Elaine Smith

31st District

Senator Robert L. Geddes
Representative Larry C. Bradford
Representative Eulalie Teichert Langford

32nd District

Senator Melvin M. "Mel" Richardson
Representative Janice K. McGeachin
Representative Ann Rydalch

33rd District

Senator Bart M. Davis
Representative Jack T. Barraclough
Representative Lee Gagner

34th District

Senator Brent Hill
Representative Mack G. Shirley
Representative Dell Raybould

35th District

Senator Don M. Burtenshaw
Representative JoAn E. Wood
Representative Lenore Hardy Barrett

Federal Agencies

Bonneville Power Administration, Idaho
Falls Region

Bureau of Land Management, Upper
Snake River District, Idaho Falls Field
Office

Caribou-Targhee National Forest

Ashton/Island Park Ranger District
Supervisor's Office
Teton Basin Ranger District

Natural Resources Conservation Service

Clark and Madison SCD
Idaho State Office
Madison SCD
Teton SCD
Yellowstone SCD

National Marine Fisheries Service

Idaho Habitat Branch
Northwest Regional Office
Northwest Region Hydropower
Division

Northwest Power and Conservation
Council, Idaho Office

U.S. Army Corps of Engineers, Idaho
Falls Field Office

U.S. Fish and Wildlife Service

Snake River Basin Office
Eastern Idaho Field Office

U.S. Geological Survey

Boise Field Office
Idaho Falls Field Office

State and Local Government Agencies

City of Driggs

City of Idaho Falls

City of Pocatello, Water Department

Committee of Nine

Albert LockwoodClen Atchley
Leonard Beck Paul Berggren
Scott Breeding Charles Coiner
Don Hale Lynn Harmon
Jack Hoopes Larry Kerbs
Larry Moore Del Raybould
Dale Rockwood Dale Swensen
Pat Tyrell Mike Wilkins

District 37 Watermaster

Governor Dirk Kempthorne

Idaho Department of Environmental
Quality

State Office
Idaho Falls Regional Office

Idaho Department of Fish and Game

Headquarters Office
Upper Snake Region

Idaho Department of Lands

Idaho Department of Parks and Recreation
 South Idaho Field Bureau Chief
 Harriman State Park

Idaho Department of Transportation,
District 6

Idaho Department of Water Resources
 State Office
 Eastern Regional Office

Idaho Historical Society, State Historical
Preservation Office

Idaho Soil Conservation Commission

Fremont County Commission

Madison County Commissioners

Teton County Commissioners

Wyoming Department of Agriculture

Wyoming State Engineer's Office,
Division IV

Wyoming Water Development Office

Irrigation Districts

Aberdeen Springfield Canal Company
A&B Irrigation District
American Falls Reservoir District No. 2
Bell Rapids Irrigation District
Blackfoot Irrigation Company
Boom Creek Canal Company
Burgess Canal and Irrigation Company
Burley Irrigation District
Butler Island Canal Company
Butte and Market Lake Canal Company
Canyon Creek Canal Company, Inc.
Clark & Edwards Canal
Cordett Slough Ditch Company
Craig-Mattson Canal Company
Dalton Gardens Irrigation District
Dilts Irrigation Company Ltd.
Egin Bench Canal Company
Enterprise Irrigation District
Fall River Electric Cooperative Inc.
Falls Irrigation District
Farmers Friend Irrigation Company Ltd
Farmers Own Canal Company
Fremont-Madison Irrigation District
Hillsdale Irrigation District

Idaho Irrigation District
Island Irrigation Company
King Hill Irrigation
Labelle Irrigation Company
Lenroot Canal Company
Liberty Park Irrigation Company
Long Island Irrigation Company
Lowder Slough Canal Company
Marysville Canal & Improvement
Milner Irrigation District
Minidoka Irrigation District
New Lavaside Ditch Company
New Sweden Irrigation District
North Fork Reservoir Company
North Rigby Irrigation and Canal
Company
North Side Canal Company
Oakley Canal Company
Osgood Canal Company
Owner's Mutual Irrigation Company
Palisades Water Users Inc
Parks and Lewisville Irrigation Company
Parsons Ditch Company
Peoples Canal & Irrigation Company
Progressive Irrigation District

Distribution List

Reid Canal Company	Truckee-Carson Irrigation District
Reid Irrigation District Canal Company	Twin Falls Canal Company
Rigby Canal & Irrigation Company, Inc.	Watson Slough Ditch Company
Rudy Irrigation Canal Company	Wearyrick Ditch Company
Salmon River Canal Company	West Branch Canal Company
Snake River Valley Irrigation District	West Labelle Irrigation Company
South West Irrigation District	West Side Mutual Canal Company
Squirrel Creek Irrigation & Canal	Wilford Canal Company
Sunnydell Irrigation District	Wilford Irrigation and Manufacturing Company
Texas Slough Irrigation Canal Company	Woodville Canal Company
Trego Ditch Company	Yellowstone Power and Irrigation

Libraries

Burley Public Library	Madison Library District
Demary Memorial Library	Menan-Annis Library
Idaho Falls Public Library	Rigby Library
Jefferson County Library	Twin Falls Public Library

Interested Organizations, Entities, and Individuals

All Seasons Angler	Ellissa Brant
Ken Allein	Brigham Young University - Idaho
Gary Arnold	Garon Brower
Ashton Area Development Commission	Randy Brown
Dennis Aslett	C.A. Carleson
Astaris	Jim Cecil
Gene Bair	CH2M Hill
Layne Ball	Ted Chu
John Barclay	Clement Brothers
Barker, Rosholt & Simpson	Max Cooper
Basic American Foods	Jerry Crabbs
J.T. Beech	Brian Davidson
Lyn Benjamin	Eddie Delonas
Blackfoot Watershed Council	Gail Dial
David Blew	Garl Drake

Ducks Unlimited	Idaho Wildlife Council
Shaun Dustin	Intermountain Aquatics
Ecosystems Research Institute	Jackson Hole Conservation Alliance
Encore Productions Sound Recording Solutions	JR Simplot Company
Charles Faux	Darwin Josephson
Joseph C. Flood	Harry Kennedy
Dennis Fransen	Winston Larsen
Friends of Fall River	Sheralee Lawson
Jim Gerber	Richard Lemargie
Wesley Goff	Claude E. Lilya
Greater Yellowstone Coalition	Margaret Lindsley
Greenway Committee	Ling & Robinson
Van Greenwell	Jim Long
Rob Griffel	Mark Lusk
Burke Hanks	Ken Mackay
Phil Hanks	Denny Manning
Henry's Fork Foundation Inc.	Jeff Marotz
Henry's Fork Watershed Council	Becky Martin
Henry's Fork Anglers	Victor Martoz
Keene Hueftle	Marysville Hydro
Jenny Hiatt	Max Parkinson and Sons Inc.
Idaho Association of Soil Conservation Districts	McCain Foods Incorporated
Idaho Cattlemen's Association	David R. Mead
Idaho Conservation League	John Meiners
Idaho Farm Bureau Federation	Mike Merigliano
Idaho Nature Conservancy	Reed Murdock
Idaho Power Company	The Nature Conservancy
Idaho Rivers United	North Fork Protective Association
Idaho Salmon & Steelhead Unlimited	Northwest Power Service
Idaho State University Fly Fishing	Darin Olson
Idaho Water and Energy Resources Research Institute	PacifiCorp
Idaho Water Users Association Inc.	Phil Murdock
	Portneuf Watershed Council
	Mark R Ricks

Distribution List

Val Schwendiman	Trout Unlimited
Sheridan Golden Eagle Ranch	University of Idaho Clark County Extension Office
Brent Singleton	Upper Snake River Cutthroats
Dacia Soulliere	Upper Snake River Fly Fishers
John Taylor	Utah Power and Light
Teton Regional Land Trust	Water Based Recreation
Tom Thompson	Western Watershed Project
Chuck Trost	Yellowstone Business Partnership

Media

Aberdeen Times	KID-FM & KSIF-FM
Associated Press--Idaho	KIDK - Channel 3
Brigham Young University - Idaho Scroll	KIFI-TV
Buhl Herald	KIVI - Channel 6
Capital Press--Idaho	KKVI
Farm Times of Idaho	KMVT - Channel 11
Fremont County Herald-Chronicle	KPVI - Channel 6
Glenns Ferry Gazette	KRCD-AM
Gooding County Leader	KRIC
Idaho Enterprise	KSEI-KLITE & KSEI-FM
Idaho Falls Post Register	KUPI-AM/FM Country
Idaho Press Tribune	KWIK-AM & KPKY-FM
Idaho State Journal	KZBQ
Idaho State University Bengal	Lincoln County Journal
Idaho Statesman	Minidoka County News
Jackson Hole News & Guide	Morning News
Jefferson Star	Power County Press
KADQ-FM	Rexburg Standard-Journal
KART-AM & KMXV-FM	Shelley Pioneer
KAWZ Radio & KEFX	Sho-Ban News
KBAR-AM, KZDX-FM, KBBK-AM, & KNAQ-FM	South Idaho Press
KCIR	Teton Valley News
Kezj, Klix-Am & Klix-Fm Radio	Times-News

REFERENCES

Parentetical Reference	Bibliographic Citation
Bailey 1980	Bailey, R.G. 1980. <i>Description of the Ecoregions of the United States</i> . USDA Forest Service. Miscellaneous Publication No. 1391.
BEA 2003	U.S. Bureau of Economic Analysis. 2003. "Local Area Personal Income." Website: www.bea.doc.gov/bea/regional/reis/ .
BPA 2003	Bonneville Power Administration. 2003. "2003 Safety-Net Cost Recovery Adjustment Clause Final Proposal, Chapter 4 – Secondary Revenue Forecast, June 2003." SN-03-FS-BPA-01.
Burnett and Van Kirk 2004	Burnett, B. and R. Van Kirk. 2004. "Quantitative Methodology for Assessing Hydrologic Alteration at the Watershed Scale." Presentation to the Henry's Fork Watershed Council on February 17, 2004. Departments of Engineering and Mathematics, Idaho State University, Pocatello, Idaho.
Coon 1977	Coon, J.C. 1977. Henry's Fork Fisheries Investigations. Federal Aid to Fish Restoration.
Cosgrove and Johnson 2000a	Cosgrove, D. M. and G.S. Johnson. 2000a. Fremont-Madison Mitigation Spreadsheet. Water Resources Institute. University of Idaho.
Cosgrove and Johnson 2000b	Cosgrove, D. M. and G.S. Johnson. 2000b. Eastern Snake Plain Hydrologic Effects Spreadsheet. Water Resources Institute. University of Idaho.
Cosgrove and Johnson 2003	Cosgrove D. M. and G.S. Johnson. 2003. Groundwater Rights Transfer Spreadsheet. Water Resources Institute. University of Idaho.
De Marsily 1986	De Marsily, G. 1986. <i>Quantitative Hydrogeology</i> . Academic Press.
FMID 2003	Fremont-Madison Irrigation District. 2003. Watermaster Reports from 1977-2002.
Garabedian 1992	Garabedian, S.P. 1992. "Hydrogeology and Digital Simulation of the Regional Aquifer System." Eastern Snake River Plain, Idaho. USGS Professional Paper 1408-F.
Garren 2003	Garren, D. 2003. Regional Fisheries Biologist, Idaho Department of Fish and Game, Idaho Falls, Idaho. Personal communication.

References

Parentetical Reference	Bibliographic Citation
IDWR 1997	Idaho Department of Water Resources. 1997. <i>Upper Snake River Basin Study</i> .
IDWR and USBR 1999	Idaho Department of Water Resources and the U.S. Bureau of Reclamation. 1999. <i>Feasibility of Large Scale Managed Aquifer Recharge of the Eastern Snake Plain Aquifer System</i> .
ISCS 2003	Idaho State Climate Services. 2003. Idaho 1997 – 2000 Normals: Air Temperature. Website: snow.ag.uidaho.edu/2000_Normals/temps71-00.txt
Johnson and Brockway 1983	Johnson, G.S. and C.E. Brockway. 1983. <i>University of Idaho Groundwater Flow Model and Recharge Program: Users Manual</i> .
Johnson and Cosgrove 1999	Johnson, G.S. and D.M. Cosgrove. 1999. <i>Revisions and Recalibration of the ESPA Groundwater Model</i> .
Johnson et al. 1985	Johnson G.S., C.E. Brockway, and J. Lindgren. 1985. <i>Calibration of the Snake Plain Aquifer Groundwater Flow Model</i> . Idaho Water Resource Research Institute, University of Idaho Research Technical Completion Report G839-06.
McDonald and Harbaugh 1988	McDonald, M.G and A.W. Harbaugh. 1988. <i>A Modular Three Dimensional Finite Difference Groundwater Flow Model</i> . USGS Water Resources Investigations, Book 6.
Nez Perce Tribe 1995	Nez Perce Tribe. 1995. <i>Ensuring our Future, Honoring our Past</i> . Lapwai, Idaho.
NOAA Fisheries 1999	National Marine Fisheries Service. 1999. <i>Biological Opinion on the Bureau of Reclamation Operations and Maintenance Activities in the Snake River Basin Upstream of Lower Granite Dam Reservoir: A Supplement to the Biological Opinions Signed on March 2, 1995, and May 14, 1998</i> . Northwest Region, Portland, Oregon.
Strack 1989	Strack, O.D.L. 1989. <i>Groundwater Mechanics</i> . Prentice Hall.
Ragotzkie 2003	Ragotzkie, K. 2003. Regional Habitat Biologist, Idaho Department of Fish and Game, Idaho Falls, Idaho. Personal communication.
Raleigh et al. 1984	Raleigh, R.F., T. Hickman, R.C. Solomon, and P.C. Nelson. 1984. <i>Habitat Suitability Information: Rainbow Trout</i> . United States Fish and Wildlife Service, Report No. FWS/OBS-82/10.60.
Shoshone-Bannock Tribes 1994	Shoshone-Bannock Tribes. 1994. Treaty Right Seminar Pocatello, Idaho, May 18-20. The Shoshone-Bannock Tribes Treaty Rights Seminar Planning Committee.

Parentetical Reference	Bibliographic Citation
State of Idaho 1997	State of Idaho. 1997. <i>1997 Census of Agriculture, Idaho</i> . Vol.1.
Stoltz and Schnell 1991	Stoltz, J., and J. Schnell. 1991. <i>The Wildlife Series: Trout</i> . Stackpole Books. Harrisburg Pennsylvania.
Swensen 2003	Swensen, D. 2003. Executive Director, Fremont-Madison Irrigation District, Idaho Falls, Idaho. Personal communication.
USBR 1992	U.S. Bureau of Reclamation. 1992. <i>Fremont-Madison Irrigation District System Management Program, A Scoping Study</i> .
USBR 1999	U.S. Bureau of Reclamation. 1999. <i>Snake River Flow Augmentation Impact Analysis Appendix</i> . Pacific Northwest Region. Boise, Idaho.
USBR 2002	U.S. Bureau of Reclamation. 2002. <i>Grassy Lake Dam, FONSI, Safety of Dams Modification, Minidoka Project, Idaho and Wyoming</i> . Snake River Area Office, Boise, Idaho.
U.S. Census Bureau 2003	U.S. Census Bureau. 2003. County Population Estimate. Website: eire.census.gov/popest/data/counties.php .
USDA 2003	U.S. Department of Agriculture. 2003. Idaho Agricultural Statistical Reporting Service. Website: www.nass.usda.gov/id .
USFWS 1999	U.S. Fish and Wildlife Service. 1999. <i>Biological Opinion on the Bureau of Reclamation Operations and Maintenance Activities in the snake River Basin Upstream of Lower Granite Dam Reservoir</i> . Snake River Basin Office, Boise, Idaho.
USGS 2000	U.S. Geological Survey. 2000. "Nitrate Concentrations in Ground Water in the Henrys Fork Basin, Eastern Idaho." Fact Sheet FS-029-00.
USGS 2003	U.S. Geological Survey. 2003. Water Resources of the United States. Website: water.usgs.gov/data.html .
Van Kirk 2004	Van Kirk, R. 2004. "Drought Management in the Henry's Fork Watershed." Presentation to the Henry's Fork Watershed Council on February 17, 2004. Department of Mathematics, Idaho State University, Pocatello, Idaho.
Wytzes 1980	Wytzes, J. 1980. <i>Development of a Groundwater Model for the Henrys Fork and Rigby Fan Areas, Upper Snake River Basin, Idaho</i> . Research Technical Completion Report submitted to IDWR.

References
